

## EXHIBIT A

Applicant(s)	Nattkemper	<b><u>AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111</u></b>
Serial No.	09/833,780	
Filing Date	4/12/2001	
Group Art Unit	2663	
Examiner Name	Derrick W. Ferris	
Confirmation No.	3923	
Attorney Docket No.	100.168US01	
Title: AUTOMATIC PERMANENT VIRTUAL CIRCUIT CONNECTION ACTIVATION FOR CONNECTION ORIENTED NETWORKS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants have reviewed the Office Action mailed on March 30, 2005. Please amend the above-identified application as follows.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks** begin on page 15 of this paper.

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**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of claims:**

1. (Currently Amended) A method of automatic permanent virtual circuit connection activation, the method comprising:
  - detecting initiation of communication between a first and a second network element at a first reference point;
  - receiving at least one virtual circuit identifier of the first network element;
  - learning at least one virtual circuit identifier of the second network element; and
  - creating a translation connection between the first and second network elements;
  - monitoring a permanent virtual circuit created by the translation connection;
  - when the at least one virtual circuit identifier of the second network element changes,
  - creating a new translation connection using the changed virtual circuit identifier of the second network element; and
  - when the number of changes of virtual circuit identifiers of the second network element have reached a predetermined number of changes terminating the translation connection.
2. (Original) The method of claim 1, further comprising validating the at least one virtual circuit identifier of the first network element as defined by a valid permanent virtual circuit database.
3. (Original) The method of claim 1, further comprising validating the at least one virtual circuit identifier of the second network element as defined by a valid permanent virtual circuit database.
4. (Original) The method of claim 1, wherein learning at least one virtual circuit identifier of the second network element, comprises:
  - monitoring traffic between the first and second network elements for any type of virtual

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circuit identifier transmitted from the second network element; and

identifying the at least one virtual circuit identifier of the second network element in the traffic.

Claim 5 is cancelled.

6. (Currently Amended) The method of ~~claim 5~~claim 1, further comprising validating the changed virtual circuit identifier of the second network element as defined by a valid permanent virtual circuit database.

Claim 7 is cancelled.

8. (Currently Amended) ~~The method of claim 1, further~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between a first and a second network element at a first reference point;

receiving at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements;

monitoring the first reference point and a second reference point, that is located on the network side of the first network element, for activity;

when no activity is detected at the first or second reference points starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation connection.

9. (Original) The method of claim 1, wherein receiving at least one virtual circuit identifier of the first network element comprises receiving a message from an associated network containing the at least one virtual circuit identifier of the first network element.

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10. (Currently Amended) ~~The method of claim 1,~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between a first and a second network element at a first reference point;

receiving at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements;

wherein learning at least one virtual circuit identifier of the second network element comprises receiving traffic from the second network element containing the at least one virtual circuit identifier of the second network element and storing the identifier.

11. (Currently Amended) A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between a first and a second network element at a first reference point;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element; and

creating a translation connection between the first and second network elements.

monitoring a permanent virtual circuit created by the translation connection; and

when the at least one virtual circuit identifier of the second network element changes,

creating a new translation connection using the changed virtual circuit identifier of the second network element; and

when the number of changes of virtual circuit identifiers of the second network element have reached a predetermined number of changes terminating the translation connection.

12. (Original) The method of claim 11, further comprising validating the at least one virtual circuit identifier of the first network element as defined by a valid permanent virtual circuit database.

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13. (Original) The method of claim 11, further comprising validating the at least one virtual circuit identifier of the second network element as defined by a valid permanent virtual circuit database.

Claim 14 is cancelled.

15. (Currently Amended) The method of ~~claim 14~~claim 11, further comprising validating the changed virtual circuit identifier of the second network element as defined by a valid permanent virtual circuit database.

Claim 16 is cancelled.

17. (Currently Amended) ~~The method of claim 11, further~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between a first and a second network element at a first reference point;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements;

monitoring the first reference point and a second reference point, that is located on the network side of the first network element, for activity;

when no activity is detected at the first or second reference points starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation connection.

18. (Original) The method of claim 11, wherein learning at least one virtual circuit identifier of the first network element comprises receiving traffic from the first network element containing the at least one virtual circuit identifier of the first network and storing the at least one virtual circuit identifier of the first network element.

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19. (Currently Amended) ~~The method of claim 11,~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between a first and a second network element at a first reference point;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements; and

wherein learning at least one virtual circuit identifier of the second network element comprises receiving traffic from the second network element containing the at least one virtual circuit identifier of the second network element and storing the at least one virtual circuit identifier of the second network element.

20. (Currently Amended) A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between customer premises equipment and a network element at a first reference point;

receiving at least one virtual circuit identifier of the network element;

learning at least one virtual circuit identifier of the customer premises equipment; and

creating a translation connection between the customer premises equipment and the network element;

monitoring a permanent virtual circuit created by the translation connection;

when the at least one virtual circuit identifier for the customer premises equipment changes, recreating the translation connection using the changed virtual circuit identifier for the customer premises equipment; and

when the number of changes of virtual circuit identifiers of the customer premises equipment have reached a predetermined number of changes terminating the translation connection.

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21. (Original) The method of claim 20, further comprising validating the at least one virtual circuit identifier of the network element as defined by a valid permanent virtual circuit database.

22. (Original) The method of claim 20, further comprising validating the at least one virtual circuit identifier of the customer premises equipment as defined by a valid permanent virtual circuit database.

Claim 23 is cancelled.

24. (Currently Amended) The method of claim ~~23~~20, further comprising validating the changed virtual circuit identifier for the customer premises equipment as defined by a valid permanent virtual circuit database.

Claim 25 is cancelled.

26. (Original) The method of claim 20, wherein receiving at least one virtual circuit identifier of the network element comprises receiving a message from an associated network containing the at least one virtual circuit identifier of the network element.

27. (Original) The method of claim 20, wherein learning at least one virtual circuit identifier of the customer premises equipment comprises receiving traffic from the customer premises equipment containing the at least one virtual circuit identifier of the customer premises equipment and storing the at least one virtual circuit identifier of the customer premises equipment.

28. (Currently Amended) ~~The method of claim 20, further~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication between customer premises equipment and a network element at a first reference point;

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receiving at least one virtual circuit identifier of the network element;  
learning at least one virtual circuit identifier of the customer premises equipment; and  
creating a translation connection between the customer premises equipment and the  
network element;

monitoring the first reference point and a second reference point, that is located on the network side of the network element, for activity;

when no activity is detected at the first or second reference points starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation connection.

29. (Currently Amended) A method of automatically configuring a permanent virtual circuit in an ATM network, the method comprising:

detecting communication initiation of an ATU-R;

receiving at least one virtual circuit identifier of an ATU-C;

learning at least one virtual circuit identifier of the ATU-R; and

creating a translation connection between the ATU-R and the ATU-C;

monitoring a permanent virtual circuit created by the translation connection; and

when the at least one virtual circuit identifier for the ATU-R changes, recreating the  
translation connection using the changed virtual circuit identifier for the ATU-R; and

when the number of changes of at least one virtual circuit identifier of the ATU-R reaches  
a predetermined number of changes terminating the translation connection.

30. (Original) The method of claim 29, further comprising validating the at least one virtual circuit identifier of the ATU-R as defined by a valid permanent virtual circuit database.

31. (Original) The method of claim 29, wherein detecting communication initiation of an ATU-R comprises detecting communication initiation of an ATU-R at a first reference point.

Claim 32 is cancelled.

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33. (Currently Amended) The method of claim 3229, further comprising validating the changed at least one virtual circuit identifier as defined by a valid permanent virtual circuit database.

Claim 34 is cancelled.

35. (Original) The method of claim 29, wherein receiving at least one virtual circuit identifier of the ATU-C comprises receiving a message from an associated network containing the at least one virtual circuit identifier of the ATU-C.

36. (Original) The method of claim 29, wherein learning at least one virtual circuit identifier of the ATU-R comprises receiving traffic from the ATU-R containing the at least one virtual circuit identifier of the ATU-R and storing the at least one virtual circuit identifier of the ATU-R.

37. (Currently Amended) ~~The method of claim 31, further~~ A method of automatically configuring a permanent virtual circuit in an ATM network, the method comprising:

detecting communication initiation of an ATU-R;

receiving at least one virtual circuit identifier of an ATU-C;

learning at least one virtual circuit identifier of the ATU-R;

creating a translation connection between the ATU-R and the ATU-C

wherein detecting communication initiation of an ATU-R comprises detecting communication initiation of an ATU-R at a first reference point;

monitoring the first reference point and a second reference point, that is located on the network side of the ATU-C, for activity;

when no activity is detected at the first or second reference points starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation connection.

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38. (Currently Amended) A communication network, comprising:

an access network;

a central unit selectively coupled to the access network;

customer premises equipment selectively coupled to the central unit; and

an automatic permanent virtual circuit (PVC) connection activation function embedded within the central unit, wherein the automatic PVC is enabled when the customer premises equipment is initialized and is adapted to create a translation connection between the customer premises equipment and the central unit;

wherein the central unit learns at least one virtual circuit identifier of the customer premises equipment by receiving traffic from the customer premises equipment containing the at least one virtual circuit identifier of the customer premises equipment and stores the at least one virtual circuit identifier of the customer premises equipment.

39. (Original) The network of claim 38, further comprising a network interface between the customer premises equipment and the central unit.

40. (Original) The network of claim 38, wherein the customer premises equipment comprises an end user device selectively coupled to a remote unit.

41. (Cancelled)

42. (Currently Amended) A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

receiving at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element; and

creating a translation connection between the first and second network elements; and

when the number of changes of virtual circuit identifiers of the second network element

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have reached a predetermined number of changes terminating the translation connection.

43. (Original) The method of claim 42, wherein learning at least one virtual circuit identifier of the second network element, comprises:

monitoring traffic between the first and second network elements for any type of virtual circuit identifier transmitted from the second network element; and

identifying the at least one virtual circuit identifier of the second network element in the traffic.

44. (Original) The method of claim 42, further comprising:

monitoring a permanent virtual circuit created by the translation connection;

when the at least one virtual circuit identifier of the second network element changes, creating a new translation connection using the virtual circuit identifier of the second network element.

Claim 45 is cancelled.

46. (Currently Amended) A method of automatic permanent virtual circuit connection activation, The method of claim 42, further comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

receiving at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements;

monitoring the user network interface and a network node interface, that is located on the network side of the first network element, for activity;

when no activity is detected at the user network interface or the network node interface starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation

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connection.

47. (Original) The method of claim 42, wherein receiving at least one virtual circuit identifier of the first network element comprises receiving a message from an associated network containing the at least one virtual circuit identifier of the first network element.

48. (Currently Amended) ~~The method of claim 42,~~ A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

receiving at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element; and

creating a translation connection between the first and second network elements;

wherein learning at least one virtual circuit identifier of the second network element comprises receiving traffic from the second network element containing the at least one virtual circuit identifier of the second network element and storing the identifier.

49. (Currently Amended) A method of automatic permanent virtual circuit connection activation, the method comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element; and

creating a translation connection between the first and second network elements;

monitoring a permanent virtual circuit created by the translation connection; and

when the at least one virtual circuit identifier of the second network element changes,

creating a new translation connection using the changed virtual circuit identifier of the second network element; and

when the number of changes of virtual circuit identifiers of the second network element

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have reached a predetermined number of changes terminating the translation connection.

Claims 50 and 51 are cancelled.

52. (Currently Amended) A method of automatic permanent virtual circuit connection activation, The method of claim 49, further comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element;

creating a translation connection between the first and second network elements;

monitoring the user network interface and a network node interface, that is located on the network side of the first network element, for activity;

when no activity is detected at the user network interface or the network node interface starting a timer; and

when the timer has reached a predetermined amount of time terminating the translation connection.

53. (Original) The method of claim 49, wherein learning at least one virtual circuit identifier of the first network element comprises receiving traffic from the first network element containing the at least one virtual circuit identifier of the first network and storing the at least one virtual circuit identifier of the first network element.

54. (Currently Amended) A method of automatic permanent virtual circuit connection activation, The method of claim 49, comprising:

detecting initiation of communication at a user network interface between a first and a second network element;

learning at least one virtual circuit identifier of the first network element;

learning at least one virtual circuit identifier of the second network element; and

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creating a translation connection between the first and second network elements;

wherein learning at least one virtual circuit identifier of the second network element comprises receiving traffic from the second network element containing the at least one virtual circuit identifier of the second network element and storing the at least one virtual circuit identifier of the second network element.

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**REMARKS**

Applicant has reviewed the Office Action mailed on March 30, 2005 as well as the art cited. Claims 1, 6, 8, 10, 11, 15, 17, 19, 20, 24, 28, 29, 33, 37, 38, 42, 46, 48, 49, 52, and 54 have been amended. Claims 5, 7, 14, 16, 23, 25, 32, 34, 41, 45, 50 and 51 have been cancelled. No new matter has been added. As a result, claims 1-4, 6, 8-13, 15, 17-22, 24, 26-31, 33, 35-40, 42-44, 46-49 and 52-54 are currently pending in this application. Applicant reserves the right to reintroduce the subject matter of the cancelled claims in a continuing application at a later date.

**Information Disclosure Statement**

Applicant respectfully requests that a copy of the 1449 form, listing all references that were submitted with the Information Disclosure Statement filed on October 7, 2003, marked as being considered and initialed by the Examiner, be returned with the next official communication.

**Rejections Under 35 U.S.C. § 102**

Claims 1-6, 9, 11-15, 18, 20-24, 26, 27, 29-33, 35, 36, 38-40, 42-44, 47, 49, 50 and 53 were rejected under 35 USC § 102(b) as being anticipated by Stone et al., (U.S. Patent No. 6,041,057). Applicant asserts that in light of the amendments and cancellation of claims, this rejection is now moot.

Claim 1 has been amended to include allowable limitations of claim 7 and any intervening claims. As a result claim 1 is in allowable form. Claims 2-4 and 6 depend from and further define allowable claim 1 and as a result are also allowable. Claim 5 is cancelled.

Claim 9 depends from allowable claim 8 that has been rewritten in independent form including any intervening claims. As a result claim 9 is also allowable.

Claim 11 has been amended to include allowable limitations of claim 16 and any intervening claims. As a result claim 11 is now in allowable form. Claim 12, 13, 15 and 18 depend from and further define allowable claim 11 and are also allowable. Claim 14 is cancelled.

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Claim 20 has been amended to include allowable limitations of claim 25 and any intervening claims. As a result claim 20 is now in allowable form. Claims 21, 22, 24, 26, and 27 depend from and further define allowable claim 20 and are also allowable. Claim 23 is cancelled.

Claim 29 has been amended to include allowable limitations of claim 34 and any intervening claims. As a result, claim 29 is now in allowable form. Claims 30, 31, 33, 35 and 36 depend from and further define allowable claim 29 and are also allowable. Claim 32 is cancelled.

Claim 38 has been amended to include allowable limitations of claim 19 and should also be allowable. Claims 39 and 40 depend from and further define allowable claim 38 and should also be allowed.

Claim 42 has been amended to include allowable limitations of claim 45 and any intervening claims. As a result claim, 42 is now in allowable form. Claims 43 and 44 depend from and further define allowable claim 42 and are also allowable.

Claim 47 depends from allowable claim 46 that has been rewritten in independent form including any intervening claims. As a result claim 47 is also allowable.

Claim 49 has been amended to include allowable limitations of claim 51 and any intervening claims. As a result, claim 49 is now allowable. Claim 53 depends from and further defines allowable claim 49 and is also allowable. Claim 50 has been amended.

Rejections Under 35 U.S.C. § 103

Claim 41 was rejected under 35 USC § 103(a) as being unpatentable over Stone in view of Pickering "Wireline Access Evolution". Applicant respectfully notes that claim 41 is not pending in this application as claim 41 was cancelled in an amendment and response filed on February 13, 2004. As a result, this rejection is now moot.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 7, 8, 10, 16, 17, 19, 25, 28, 34, 37, 45, 46, 48, 51, 52 and 54 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim 1 has been amended to include the allowable limitations of claim 7 and any intervening claims. Claim 7 has been cancelled.

Claims 8, 10, 17, 19, 28, 37, 46, 48, 52 and 54 have been rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Claim 11 has been amended to include the allowable limitations of claim 16 and any intervening claims. Claim 16 has been cancelled.

Claim 20 has been amended to include the allowable limitations of claim 25 and any intervening claims. Claim 16 has been cancelled.

Claim 29 has been amended to include the allowable limitations of claim 34 and any intervening claims. Claim 34 has been cancelled.

Claim 40 has been amended to include the allowable limitations of claim 45 and any intervening claims. Claim 45 has been cancelled.

Claim 49 has been amended to include the allowable limitations of claim 51 and any intervening claims. Claim 51 has been cancelled.

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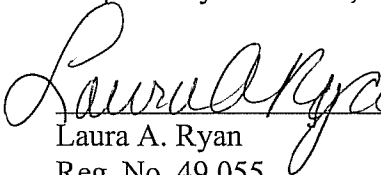
**CONCLUSION**

Applicant respectfully submits that claims 1-4, 6, 8-13, 15, 17-22, 24, 26-31, 33, 35-40, 42-44, 46-49 and 52-54 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1685.

Respectfully submitted,

Date:

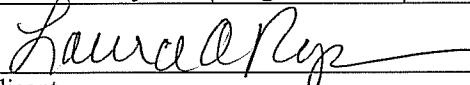
15 June 2005  
\_\_\_\_\_  
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Applicant	Dieter H. Nattkemper	<p style="text-align: center;">EXHIBIT A</p> <p style="text-align: center;"><b>FACSIMILE TRANSMITTAL FORM</b> (LARGE ENTITY)</p>
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Group Art Unit	3923	
Examiner Name	Derrick W. Ferris	
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**TOTAL PAGES: 20 pgs. (including cover sheet)**  
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Commissioner for Patents  
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 Alexandria, VA 22313-1450

Enclosures							
The following documents are enclosed: <input checked="" type="checkbox"/> An Amendment and Response Under 37 C.F.R. 1.111 (18 pgs.). <input checked="" type="checkbox"/> Form PTO-2038 (Credit Card authorization form) for the additional claims fee (1 pg.).  Please charge any fees or credit any overpayments to Deposit Account No. 502432. <b>CUSTOMER NUMBER: 34206</b>							
Fee Calculation							
	Number of Claims	Number of Claims Previously Paid for		Extra Claims		Fee	Fee Paid
<b>Total Claims</b>	42	54	=	-12	X	\$ 50	= \$ -600
<b>Independent Claims</b>	17	8	=	9	X	\$ 200	= \$ 1800
<b>Multiple Dependent Claims Presented</b>						\$ 360	= \$0
<b>Total</b>							\$ 1,200
Submitted By							
Name	Laura A. Ryan	Reg. No.	49,055		Telephone	(612) 332-4720	
Signature					Date	June 15, 2005	
Attorneys for Applicant Fogg & Associates, LLC P.O. Box 581339 Minneapolis, MN 55458-1339 T: 612-332-4720 F: 612-332-4731							
Certificate of Transmission							
I certify that this paper, and the above-identified documents, are being transmitted by facsimile to Examiner Derrick W. Ferris, Group Art Unit 3923, (Facsimile No. 703-872-9306) of the United States Patent and Trademark Office on June 15, 2005							
Name	Elizabeth A. Bauer		Signature	